



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51005-2024
DECIDED ON: 16.10.2024

GURBHEJ SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vinay Kumar Gupta, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.41, dated 25.07.2024, under Sections 21/22 of NDPS Act and Section 29 of the NDPS Act later on added vide DDR No.4, dated 27.07.2024, registered at Police Station Talwandi Bhai, District Ferozepur.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Chief Officer Sahib police station Talwandi Bhai "Jai Hind" Today I ASI along with Computer Operator HC Baldev Singh No. 692/Ezr., S/CT Gurpreet Singh 705, S/LC Rajbir Kaur 1215, PHG Balraj Singh 6131 along with laptop and printer on Official vehicle number PB-05-AB-0854 which is driven by constable Hardyal Singh

1091 regarding patrolling and checking, Suspect men were going from area police station to Main Chowk Talwandi Bhai, Village Kot Crore Kalan, Tumbarabhan etc. when the police party was patrolling. On National Highway-54, when Sohi Dhaba reached a little before village Kot Crore Kalan, special informer stopped the vehicle and announced in farewell that Jagga Singh son of Mula Singh and his mother Balvir Kaur wife of Mula Singh residents of Loham Road, Mudki. Those who are used to selling heroin and narcotic pills are still sitting beside the wall of the shed behind the closed Punjabi dhaba near village Tumbarbhan. And they are sitting with the narcotic pills and heroin and waiting for customers if they just raided. The information is credible and reliable, on which case registered against Jagga Singh son of Mula Singh and Balveer Kaur wife of Mula Singh residents of Loham Road, Mudki, under section 21/22/61/85 NDPS Act. Completes the compliment on which the Rukka is written and sent to PHG Balraj Singh 6131 of against Jagga Singh son of Mula Singh and Balveer Kaur wife of Mula Singh residents of Loham Road Mudki. By filing a case, the number should be given to the case. PCR W/M be notified. Special reports to be issued. I leave for the place mentioned by the informant of fellow employees along with the ASI. True/- Sudesh Kumar ASI Police Station Talwandi Bhai Dated 25-07-2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 70 loose intoxicating tablets and 20 grams of heroin was recovered from co-accused Balvir Kaur and

Jagga Singh. He further contends that he was not initially named in the instant FIR but was subsequently roped in only on the basis of disclosure statement of above-stated co-accused. It has been asserted on behalf of the petitioner that co-accused namely Balvir Kaur has already been granted the concession of regular bail by the trial Court vide order dated 04.09.2024.

On behalf of the State

Learned State Counsel appearing on advance notice, does not controvert the aforesaid fact but opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner is the supplier of the said contraband.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Balvir Kaur and Jagga Singh; co-accused namely Balvir Kaur has already been granted the concession of regular bail by the trial Court vide order dated 04.09.2024, as has been averred in the present petition; nothing has been recovered from the present petitioner as whatever recovery was effected was from above-stated co-accused persons in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.10.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No